

**Ackerman, Joyce**

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**From:** Jonathan H. Steeler <JSteeler@sennlaw.com>  
**Sent:** Friday, April 13, 2018 12:03 PM  
**To:** Ackerman, Joyce; 'Richard Dean'; Jackie Rowley; Dave Folkes; Tobi L. Moore; Hunter Butler; Piggott, Amelia; O'Reilly, Maureen; Jenkins, Katherine; Sandusky, Eric; jason.king@coag.gov; Patrick Medland  
**Subject:** RE: Neuhauser Landfill - AOC  
**Attachments:** fig1\_excavations\_stockpiles.pdf

Dear Joyce:

Richard is out of town on business today but in an effort to keep this moving see Stratus' proposal below and attached. I have not copied CDPHE but instead have copied Jason King at the Colorado Attorney General's Office. If you would like to forward this to Curt and Dave that would be great and, if not, I am sure Jason will forward it on to them.

Stratus is prepared and willing to conduct the work discussed below and as shown on the attached figure.

**Rolloff Bins and Frac Tank:**

1. Stratus will dispose of soils and debris in the existing rolloff bins as approved by EPA and as summarized on the attached figure.
2. Stratus will dispose of the liquids in the frac tank, as approved by EPA.

**Additional Excavation:**

1. Stratus will complete excavation of soils in the Phase 1 and Phase 2a excavations, as identified by the prior test pits and PID monitoring, following the procedures outlined in the Drum Removal Work Plan (DRWP). The most likely areas requiring excavation, based on prior test pit data, are shown on the attached figure (excavation zones).
2. Excavated and stockpiled soil from these excavations with PID levels below 100 ppm will be used for backfilling of excavations, as approved by EPA. Stockpiled soil with PID levels above 100 ppm will be tested for total and TCLP concentrations of organics and based on these results, transported to the appropriate offsite disposal facility, or be used for backfill, as approved by EPA.
3. The final excavation limits will be surveyed, and confirmation samples will be collected from the bottom and sidewalls of the Phase 1 and 2a excavations after excavation is complete, as approved by EPA, and submitted for laboratory analysis of total metal, VOC, and SVOC concentrations.
4. A test pit will be excavated at the one remaining EM anomaly location (currently located below the drum storage area), as shown on the attached figure.

**Stockpiles:**

1. Stratus will use the soils in stockpiles outlined in green on the attached figure for backfilling the excavations. Soils in stockpiles outlined in red will be disposed offsite at the Front Range landfill, as approved by EPA and accepted by the landfill.
2. Regarding the Phase 1 SP-1 stockpile, Stratus understands that EPA has spoken with the Project Coordinator and approved re-segregation of this stockpile. Soils with PID levels below 100 ppm will be used for backfilling the pits

onsite, while soils with PID levels above 100 ppm will be disposed offsite at the Front Range landfill, as approved by EPA and accepted by the landfill.

3. Stratus requests the opportunity to employ the same segregation process described above for the Phase 2B stockpile, where existing data indicate low levels of contamination in the outer materials. Any soils that cannot be segregated as backfill material will be disposed offsite at the Front Range landfill, as approved by EPA and accepted by the landfill.

**Schedule:**

Stratus's contractor, ACTenviro, believes that the above work can be completed within 6 weeks, or by the end of May 2018 if this work starts now, barring any delays due to weather, laboratory turn-around times, or approval by disposal facilities. We will advise EPA as soon as possible if any events or conditions are likely to delay completion of the soil excavation and offsite disposal work.

As you know, disposal of the rolloff bins shown on the attached figure is already in progress and should be completed soon. We anticipate that excavation in the Phase 1 and 2a pits will begin shortly, followed by sampling and offsite disposal of stockpiled soils over the next several weeks. Stratus would like to leave the exact timing and sequencing of the various components of the earth-moving work to the discretion of ACTenviro, based on the most efficient use of their crews and equipment at the time. This schedule also assumes that no additional drums are found at the anomaly location discussed above.

The Final Report will be submitted 60 days after completion of the scope of work described above, as required by the Order and the DRWP.

Finally, while some backfilling of the excavations is expected to occur during this time period, consistent with the DRWP (Section 4.4.2), complete regrading and backfilling of the excavations may be conducted at a later date pursuant to a CDPHE order, except to the extent that backfilling is required to cover impacted but non-hazardous soils, control odors, and/or stabilize the excavation.

If the foregoing is acceptable and reflects EPA's understanding of the remaining work to be performed by Stratus to complete its obligations under the Order, please provide Stratus with a written confirmation to this effect.

Thank You for your cooperation.

Jon

Jonathan H. Steeler  
Senn Visciano Canges P.C.  
1700 Lincoln Street, Suite 4300  
Denver, CO 80203  
Direct: (303) 291-4039  
Phone: (303) 298-1122  
Cellular: (303) 349-4220  
Fax: (303) 296-9101  
[JSteeler@sennlaw.com](mailto:JSteeler@sennlaw.com)  
[www.sennlaw.com](http://www.sennlaw.com)

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**From:** Ackerman, Joyce [mailto:[Ackerman.Joyce@epa.gov](mailto:Ackerman.Joyce@epa.gov)]

**Sent:** Tuesday, April 03, 2018 9:17 AM

**To:** 'Richard Dean'; Jackie Rowley; Dave Folkes; Tobi L. Moore; Jonathan H. Steeler; Hunter Butler; Piggott, Amelia; O'Reilly, Maureen; Jenkins, Katherine; Stovall - CDPHE, Curtis; [david.walker@state.co.us](mailto:david.walker@state.co.us); Sandusky, Eric

**Subject:** Neuhauser Landfill - AOC

Dear Mr. Dean – As you know the AOC and Work Plan require that soils contaminated by drums be excavated and removed for off-site disposal. The Work Plan sets forth the following criteria for soils to be removed:

- Soil visibly contaminated by leaking drum or container contents;
- Soil with a strong odor consistent with drum or container contents;
- Soil with total VOC concentrations of 100 parts per million by volume (ppmv) or greater as determined by soil sample head-space screening using a flame ionization detector (PID); ...

EPA has been reviewing the laboratory data for soil samples taken from the stockpiles on-site, the rolloff boxes on-site, and the test pits within the excavations. Based on that review, the scope of work remaining at the Site to complete the AOC with regard to soil removal consists of the following:

1. Excavation of the areas of elevated contamination in the Phase 1 and Phase 2a excavations, as identified by test pitting and PID monitoring. Soils removed will require sampling for characterization and subsequent off-site disposal.
2. Removal of the stockpiles from the Phase 2b and Phase 3 excavations for off-site disposal.
3. Removal of the following stockpiles from the Phase 1 excavation: SP-1, SP-2, and SP-4 for off-site disposal. EPA notes that some of the samples from SP-1 showed relatively low levels of contamination. EPA would be willing to review any proposals to segregate high level contamination from lower levels in SP-1 in order to minimize quantities of soil requiring off-site disposal.
4. Removal of the rolloffs containing contaminated soil for off-site disposal. EPA anticipates that soils from 10-13 rolloffs will be allowed to be returned to the Site excavations and not require off-site disposal. EPA will specify to the Project Coordinator which rolloffs can be emptied and soils returned to the excavations.

EPA is willing to review proposals for sampling of the excavations in Phases 1 and 2a to determine more specifically how much soil requires removal.

EPA is willing to review proposals for on-site treatment of soils in lieu of off-site disposal, such as chemical oxidation.

As you are aware, implementation of the Work Plan has taken significantly longer than expected. EPA believes it important to address the remaining threats to human health and the environment remaining on Site. To that end, please provide a schedule by the close of business on Monday April 9, 2018, outlining how Stratus plans to complete this Work. EPA believes all the actions outlined above should be completed by the end of May, 2018. Should Stratus be unable to complete the work as described above, EPA will review other available options to ensure the work is completed in a timely and safe manner.

Thank you for your assistance.

Sincerely,

Joyce Ackerman  
On-Scene Coordinator and START P.O.  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202

(303) 312-6822

**SVC** | SENN VISCIANO CANGES P.C.

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Legend

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Test Pit - Clean

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Test Pit - Impacted

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Confirmation Sample

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Test Pit To Be Completed

Excavation

Stockpile - Clean

Stockpile - Impacted

Excavation Zone

N

050100

Feet

KIMBALL	FRONT RANGE			Backfill	
RFR279684	CHRT25418	CHRT25541	RFR279964	CHRT27116	CHRT9943
DEER TRAIL	CHRT25461	CHRT25520	PT5628	CHRT26540	RFR274934
RFR279853	CHRT26993	CHRT25556	DRT4719	CHRT26766	
HT2645	CHRT27407	CHRT27391	DRT4699	HT2586	
HT3115	DRT4900	CHRT25725	CHRT25696	HT3703	
CHRT26308	PT1096	PT5630	CHRT25534	HT3837	
CHRT27516	PT3652	CHRT27421	HT3122	RFR279944	
	PT5627	HT3701	HT3702	RFR280574	
	RT4543-2	RFR274961	HT2621-4	PT3129	
	PT2489	CHRT24497		PT3017-2	
	PT2452	CHRT25758		CHRT26004	
	CHRT26964	PT5631		DRT4613	
	CHRT24778	CHRT26830		RFR279945	
	CHRT27438	RFR279947		RFR279962	

